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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,

v.

Jesus Enrique Vasquez-Tejeda,
a.k.a. Jesus Enrique Vasquez-Tejeda,
a.k.a. Jesus Enrique Vazquez-Tejeda,
Defendant.

Case No. 22-09403MJ

PLEA AGREEMENT
(Fast Track § 5K3.1)

Plaintiff, United States of America, and the defendant, Jesus Enrique Vasquez-Tejeda, hereby agree to dispose of this matter on the following terms and conditions:

1. PLEA

The defendant will plead guilty to Count 2 of the Complaint charging the defendant with a violation of Title 8, United States Code (U.S.C.), Section 1325(a)(1), Improper Entry by Alien, a class B misdemeanor offense.

2. MAXIMUM PENALTIES

a. A violation of 8 U.S.C. § 1325(a)(1) is punishable by a maximum fine of \$5,000, a maximum term of imprisonment of six months, or both.

b. Pursuant to 18 U.S.C. § 3013(a)(1)(A)(ii), the Court is required to order the defendant to pay a \$10 special assessment.

3. AGREEMENTS REGARDING SENTENCING

1 a. Stipulation: Sentence of Imprisonment. Pursuant to Fed. R. Crim. P.
2 11(c)(1)(C), the United States and the defendant stipulate and agree that the defendant shall
3 be sentenced to a term of 75 days of imprisonment, or time served, whichever is greater.

4 b. Stipulation: Prompt Sentencing. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the
5 United States and the defendant stipulate and agree that sentencing may occur on the day
6 of the change of plea hearing.

7 c. Stipulation: Dismissal of Count 1. Pursuant to Fed. R. Crim. P. 11(c)(1)(A),
8 at time of sentencing the United States will dismiss Count 1 of the Complaint.

9 **4. COURT APPROVAL REQUIRED; REINSTITUTION OF PROSECUTION**

10 a. If the Court, after reviewing this plea agreement, concludes that any
11 provision contained herein is inappropriate, it may reject the plea agreement and give the
12 defendant the opportunity to withdraw the guilty plea in accordance with Fed. R. Crim. P.
13 11(c)(5).

14 b. If the defendant's guilty plea or plea agreement is rejected, withdrawn,
15 vacated, or reversed at any time, this agreement shall be null and void, the United States
16 shall be free to prosecute the defendant for all crimes of which it then has knowledge and
17 any charges that have been dismissed because of this plea agreement shall automatically
18 be reinstated. In such event, the defendant waives any and all objections, motions, and
19 defenses based upon the Statute of Limitations, the Speedy Trial Act, or constitutional
20 restrictions in bringing later charges or proceedings. The defendant understands that any
21 statements made at the time of the defendant's change of plea or sentencing may be used
22 against the defendant in any subsequent hearing, trial, or proceeding subject to the
23 limitations of Fed. R. Evid. 410.

24
25 **5. WAIVER OF DEFENSES AND APPEAL RIGHTS**

26 The defendant waives (1) any and all motions, defenses, probable cause
27 determinations, and objections that the defendant could assert to the indictment or
28 information; and (2) any right to file an appeal, any collateral attack, and any other writ or

1 motion that challenges the conviction, an order of restitution or forfeiture, the entry of
 2 judgment against the defendant, or any aspect of the defendant's sentence, including the
 3 manner in which the sentence is determined, including but not limited to any appeals under
 4 18 U.S.C. § 3742 (sentencing appeals) and motions under 28 U.S.C. §§ 2241 and 2255
 5 (habeas petitions), and any right to file a motion for modification of sentence, including
 6 under 18 U.S.C. § 3582(c) (except for the right to file a compassionate release motion under
 7 18 U.S.C. § 3582(c)(1)(A) and to appeal the denial of such a motion). This waiver shall
 8 result in the dismissal of any appeal, collateral attack, or other motion the defendant might
 9 file challenging the conviction, order of restitution or forfeiture, or sentence in this case.
 10 This waiver shall not be construed to bar an otherwise-preserved claim of ineffective
 11 assistance of counsel or of "prosecutorial misconduct" (as that term is defined by Section
 12 II.B of Ariz. Ethics Op. 15-01 (2015)).

13 **6. EFFECT ON OTHER PROCEEDINGS**

14 This agreement does not preclude the United States from instituting any civil or
 15 administrative proceedings as may be appropriate now or in the future.

16 **7. ELEMENTS**

17 **Improper Entry by Alien**

18 In or around July of 2021, in the District of Arizona:

- 19 1. The defendant was an alien; and
- 20 2. The defendant knowingly and voluntarily entered the United States at a time
 21 or place other than as designated by immigration officers.

22 **8. FACTUAL BASIS**

23 a. The defendant admits that the following facts are true and that if this matter
 24 were to proceed to trial the United States could prove the following facts beyond a
 25 reasonable doubt:

26
 27 I, Jesus Enrique Vasquez-Tejeda, am not a citizen or national of the United
 28 States. I was voluntarily present and found in the United States at or near
 Phoenix, Arizona on November 7, 2022. In or around July of 2021, at or

1 near Nogales, Arizona, I knowingly entered the United States at a time and
2 place other than as designated by immigration officials of the United States.
3 I was not under the constant, continuous observation of immigration
4 authorities from the time I crossed the border until the time I was found on
5 November 7, 2022.

6 c. The defendant shall swear under oath to the accuracy of this statement and,
7 if the defendant should be called upon to testify about this matter in the future, any
8 intentional material inconsistencies in the defendant's testimony may subject the defendant
9 to additional penalties for perjury or false swearing, which may be enforced by the United
10 States under this agreement.

11 **APPROVAL AND ACCEPTANCE OF THE DEFENDANT**

12 This agreement has been read to me in Spanish, and I have carefully reviewed every
13 part of it with my attorney. I understand it and I voluntarily agree to it.

14 I have discussed the case and my constitutional and other rights with my attorney.
15 I understand that by entering my plea of guilty I shall waive my rights to plead not guilty,
16 to trial by jury, to confront, cross-examine, and compel the attendance of witnesses, to
17 present evidence in my defense, to remain silent and refuse to be a witness against myself
18 by asserting my privilege against self-incrimination, all with the assistance of counsel, and
19 to be presumed innocent until proven guilty beyond a reasonable doubt.

20 I agree to enter my guilty plea as indicated above on the terms and conditions set
21 forth in this agreement.

22 I have been advised by my attorney of the nature of the charges to which I am
23 entering my guilty plea. I have further been advised by my attorney of the nature and range
24 of the possible sentence and that my ultimate sentence shall be determined by the Court
25 after consideration of the advisory Sentencing Guidelines.

26 My guilty plea is not the result of force, threats, assurances, or promises, other than
27 the promises contained in this agreement. I voluntarily agree to the provisions of this
28 agreement and I agree to be bound according to its provisions.

1 I understand that if I am granted probation or placed on supervised release by the
 2 Court, the terms and conditions of such probation/supervised release are subject to
 3 modification at any time. I further understand that if I violate any of the conditions of my
 4 probation/supervised release, my probation/supervised release may be revoked and upon
 5 such revocation, notwithstanding any other provision of this agreement, I may be required
 6 to serve a term of imprisonment or my sentence otherwise may be altered.

7 This written plea agreement, and any written addenda filed as attachments to this
 8 plea agreement, contain all the terms and conditions of the plea. Any additional
 9 agreements, if any such agreements exist, shall be recorded in a separate document and
 10 may be filed with the Court under seal; accordingly, additional agreements, if any, may not
 11 be in the public record.

12 I further agree that promises, including any predictions as to the Sentencing
 13 Guideline range or to any Sentencing Guideline factors that will apply, made by anyone
 14 (including my attorney) that are not contained within this written plea agreement, are null
 15 and void and have no force and effect.

16 I am satisfied that my defense attorney has represented me in a competent manner.

17 I fully understand the terms and conditions of this plea agreement. I am not now
 18 using or under the influence of any drug, medication, liquor, or other intoxicant or
 19 depressant that would impair my ability to fully understand the terms and conditions of this
 20 plea agreement.

21 12/1/2022
 22 Date

23 San Bucon For Defendant
 24 JESUS ENRIQUE VASQUEZ-TEJEDA
 25 Defendant

26 APPROVAL OF DEFENSE COUNSEL

27 I have discussed this case and the plea agreement with my client in detail and have
 28 advised the defendant of all matters within the scope of Fed. R. Crim. P. 11, the
 constitutional and other rights of an accused, the factual basis for and the nature of the

1 offense to which the guilty plea will be entered, possible defenses, and the consequences
 2 of the guilty plea including the maximum statutory sentence possible. I have further
 3 discussed the concept of the advisory Sentencing Guidelines with the defendant. No
 4 assurances, promises, or representations have been given to me or to the defendant by the
 5 United States or any of its representatives that are not contained in this written agreement.
 6 I concur in the entry of the plea as indicated above and that the terms and conditions set
 7 forth in this agreement are in the best interests of my client. I agree to make a bona fide
 8 effort to ensure that the guilty plea is entered in accordance with all the requirements of
 9 Fed. R. Crim. P. 11.

10 I translated or had translated this agreement from English into Spanish to the
 11 defendant on the 1st day of December, 2022.

12 12/1/22

13 Date

Ian Bucon

IAN BUCON

Attorney for Defendant

14
 15 **APPROVAL OF THE UNITED STATES**

16 I have reviewed this matter and the plea agreement. I agree on behalf of the United
 17 States that the terms and conditions set forth herein are appropriate and are in the best
 18 interests of justice.

19 GARY M. RESTAINO
 20 United States Attorney
 District of Arizona

21
 22 November 10, 2022

23 Date

Matthew D. Doyle
 24
 25 MATTHEW D. DOYLE
 Assistant U.S. Attorney

26 **ACCEPTANCE BY THE COURT**

27
 28 December 8, 2022

Date

ESWillet
 United States Magistrate Judge